

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN VOGEL and KENNETH
MAHONEY, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

v.

STEVEN JOBS, PETER OPPENHEIMER,
FRED ANDERSON, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
ALBERT GORE, Jr., ARTHUR D.
LEVINSON, JEROME B. YORK and
APPLE COMPUTER, INC.,

Defendants.

Case No.: C06-05208-MHP

**CERTIFICATION OF VALERIE BUDZIK IN SUPPORT OF
THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM'S
MOTION FOR ITS APPOINTMENT AS LEAD PLAINTIFF
AND FOR THE APPROVAL OF ITS SELECTION OF COUNSEL**

Valerie Budzik, Esquire, for her Certification on behalf of the New York City Employees' Retirement System ("NYCERS"), pursuant to 15 U.S.C. § 78u-4, states as follows:

1. I am Acting General Counsel for the Office of the New York City Comptroller and am authorized to make this Certification on behalf of NYCERS.
2. NYCERS' transactions in Apple Computer, Inc. (referred to hereinafter as "Apple" or the "Company") are listed in the chart attached hereto at Schedule A.
3. NYCERS and its legal counsel have fully reviewed the facts and allegations of the complaint filed in this action. NYCERS has authorized the filing of the accompanying motion for

appointment of lead plaintiff on its behalf in this action. NYCERS intends to actively monitor the conduct of this action for the benefit of the class. NYCERS has retained Jay W. Eisenhofer and the law firm of Grant & Eisenhofer P.A., to represent NYCERS. Grant & Eisenhofer P.A., is knowledgeable and experienced in securities law and litigation, particularly with regard to the role and responsibilities of institutional investors in class actions.

4. NYCERS believes it is the class member with the largest financial interest in the relief sought by the class based on the complaint filed to date. Like other investors who purchased Apple securities during the Class Period, NYCERS believes it has suffered damages as a result of defendants' fraudulent conduct and violations of the federal securities laws. NYCERS believes its claims against the defendants are typical of those of other members of the class.

5. NYCERS did not purchase the securities that are the subject of the complaint at the direction of plaintiffs' counsel or in order to participate in any private action arising under the federal securities laws. NYCERS invested in Apple securities solely for its own business purposes.

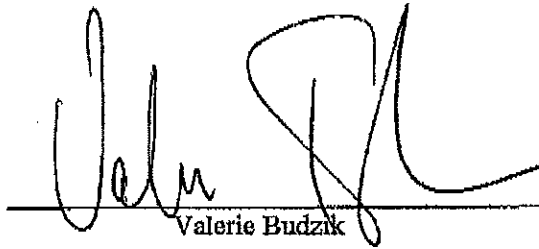
6. NYCERS is willing to serve as a representative party on behalf of the class of Apple shareholders, including providing testimony at depositions and trial. NYCERS intends to pursue this litigation for the best interests of all class members.

7. NYCERS has not sought to serve as a lead plaintiff in any class action under the federal securities laws during the last three years, except in *In re take Two interactive Securities Litig.*, Civ. Action No. 1:06-CV-00803-SWK (S.D.N.Y.) and *Peters v. Juniper Networks, Inc.*, Civ. Action No. 5:06-cv-05303-JW (N.D.Cal.).

8. NYCERS will not accept any payment for serving as a representative party on behalf of the class beyond the plaintiff's pro rata share of any recovery, except as ordered and approved by the Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: October 24, 2006



Valerie Budzik

Schedule A
Apple Computer, Inc.
Trading History: 1/22/04 - 8/11/06
NYC EMPLOYEES RETIREMENT SYSTEM

-----Purchases-----			
Trade Date	Shares	Price	Total

-----Sales-----			
Trade Date	Shares	Price	Total

Holdings on 1/22/04 **973,500**

1/22/2004	800	\$11.1500	\$8,920.00
1/30/2004	1,200	\$11.3100	\$13,572.00
2/2/2004	200	\$11.2635	\$2,252.70
2/3/2004	16,100	\$11.1055	\$178,798.55
2/3/2004	1,200	\$11.1455	\$13,374.60
2/13/2004	1,200	\$11.5500	\$13,860.00
2/19/2004	800	\$11.4615	\$9,169.20
3/19/2004	400	\$12.9300	\$5,172.00
4/13/2004	5,000	\$13.4650	\$67,325.00
6/18/2004	400	\$16.4500	\$6,580.00
6/23/2004	3,240	\$16.8325	\$54,537.30
6/24/2004	3,888	\$16.7425	\$65,094.84
6/25/2004	1,486	\$16.6591	\$24,755.49
6/25/2004	75,400	\$16.8332	\$1,269,219.51
6/25/2004	28,000	\$16.8500	\$471,800.00
6/25/2004	21,600	\$16.6579	\$359,809.56
6/30/2004	2,472	\$16.4669	\$40,706.18
6/30/2004	1,332	\$15.9158	\$21,199.91
7/1/2004	604	\$16.1742	\$9,769.22
7/2/2004	2,200	\$15.1306	\$33,287.32
7/7/2004	750	\$15.1642	\$11,373.12
7/8/2004	944	\$15.1988	\$14,347.62
7/9/2004	1,106	\$15.1621	\$16,769.33
7/15/2004	800	\$16.4650	\$13,172.00
8/5/2004	200	\$15.8175	\$3,163.50
8/12/2004	6,400	\$15.2498	\$97,598.72
9/2/2004	14,300	\$17.7020	\$253,138.60
9/15/2004	200	\$17.5800	\$3,516.00
9/17/2004	2,200	\$18.5700	\$40,854.00
9/22/2004	15,000	\$18.5605	\$278,406.75
9/30/2004	8,400	\$19.3313	\$162,382.92
10/7/2004	10,600	\$19.9009	\$210,949.01
10/12/2004	400	\$18.9759	\$7,590.36
10/15/2004	7,400	\$22.5161	\$166,618.77
10/26/2004	400	\$23.9850	\$9,594.00
10/26/2004	8,592	\$23.9666	\$205,921.03
11/2/2004	15,600	\$26.3495	\$411,051.42
11/3/2004	12,800	\$27.4429	\$351,269.12
11/3/2004	54,400	\$27.2745	\$1,483,732.80
11/9/2004	3,000	\$27.0250	\$81,075.00
11/9/2004	7,400	\$27.0819	\$200,406.06
11/30/2004	4,200	\$33.9722	\$142,683.24
12/2/2004	70	\$32.6197	\$2,283.38
12/2/2004	5,600	\$32.5952	\$182,533.12
12/3/2004	80	\$31.5563	\$2,524.50
12/3/2004	800	\$31.4192	\$25,135.36
12/6/2004	26	\$31.9977	\$831.94

2/11/2004	3,600	\$11.8120	\$42,523.20
3/5/2004	1,000	\$13.4596	\$13,459.60
3/10/2004	1,000	\$13.8745	\$13,874.45
3/22/2004	200	\$12.9770	\$2,595.39
3/25/2004	800	\$13.1641	\$10,531.24
4/1/2004	1,000	\$13.5995	\$13,599.46
4/12/2004	1,000	\$13.9797	\$13,979.72
4/27/2004	16,300	\$13.4496	\$219,228.23
5/10/2004	1,400	\$13.0738	\$18,303.31
5/11/2004	1,000	\$13.4747	\$13,474.68
5/14/2004	17,300	\$13.4300	\$232,338.75
5/24/2004	55,400	\$13.6623	\$756,890.31
6/9/2004	1,400	\$15.2361	\$21,330.60
6/29/2004	2,600	\$16.2421	\$42,229.51
6/29/2004	2,600	\$16.2421	\$42,229.51
8/25/2004	3,000	\$16.5250	\$49,575.00
8/25/2004	800	\$15.9724	\$12,777.94
8/25/2004	6,000	\$16.4261	\$98,556.69
8/26/2004	3,000	\$17.3271	\$51,981.28
9/27/2004	15,234	\$18.7625	\$285,827.32
10/26/2004	4,400	\$23.5744	\$103,727.57
10/26/2004	5,800	\$23.9850	\$139,113.00
11/17/2004	400	\$27.6244	\$11,049.74
11/23/2004	12,200	\$30.7274	\$374,874.04
12/27/2004	4,050	\$31.6016	\$127,986.52
12/27/2004	2,658	\$31.5760	\$83,929.03
1/26/2005	1,054	\$36.1213	\$38,071.85
2/4/2005	12,800	\$39.0630	\$500,006.58
2/8/2005	4,600	\$40.2516	\$185,157.24
2/18/2005	1,000	\$43.2286	\$43,228.57
2/23/2005	5,192	\$44.0848	\$228,888.27
2/23/2005	206	\$44.0910	\$9,082.75
3/7/2005	300	\$42.9466	\$12,883.97
3/18/2005	600	\$42.8386	\$25,703.15
3/24/2005	36,600	\$42.5086	\$1,555,814.79
3/24/2005	9,100	\$42.5000	\$386,750.00
3/30/2005	4,000	\$42.7886	\$171,154.36
3/31/2005	500	\$42.5200	\$21,260.00
4/14/2005	1,592	\$37.4968	\$59,694.95
5/11/2005	12,500	\$34.1421	\$426,775.88
5/12/2005	2,600	\$34.5667	\$89,873.29
5/25/2005	8,293	\$39.7418	\$329,579.07
5/27/2005	1,800	\$40.5583	\$73,004.94
6/3/2005	8,000	\$37.8921	\$303,136.91
6/23/2005	1,882	\$39.1839	\$73,744.02
6/24/2005	7,900	\$37.7600	\$298,304.00
6/24/2005	2,400	\$37.7999	\$90,719.80

Schedule A
Apple Computer, Inc.
Trading History: 1/22/04 - 8/11/06
NYC EMPLOYEES RETIREMENT SYSTEM

Purchases			
Trade Date	Shares	Price	Total
12/7/2004	24	\$32.4325	\$778.38
12/7/2004	1,200	\$31.9150	\$38,298.00
12/7/2004	7,036	\$32.6600	\$229,795.76
12/10/2004	96	\$32.7108	\$3,140.24
12/13/2004	90	\$32.6141	\$2,935.27
12/13/2004	68	\$32.4975	\$2,209.83
12/13/2004	238	\$32.5037	\$7,735.89
12/14/2004	184	\$32.6937	\$6,015.64
12/15/2004	82	\$32.5821	\$2,671.73
12/15/2004	600	\$32.6092	\$19,565.52
12/16/2004	2,600	\$33.4380	\$86,938.67
12/17/2004	3,200	\$32.5550	\$104,176.00
12/31/2004	7,084	\$32.2025	\$228,122.51
12/31/2004	10,550	\$32.2087	\$339,802.31
1/5/2005	3,974	\$32.1504	\$127,765.69
1/6/2005	4,100	\$31.8846	\$130,726.86
1/26/2005	1,930	\$35.8472	\$69,185.00
1/31/2005	56,800	\$37.2550	\$2,116,084.00
2/3/2005	4,400	\$39.0499	\$171,819.34
2/18/2005	200	\$43.3684	\$8,673.67
3/18/2005	3,500	\$42.9500	\$150,325.00
4/1/2005	84	\$41.0533	\$3,448.48
4/8/2005	40	\$43.7820	\$1,751.28
4/11/2005	30	\$42.7100	\$1,281.30
4/12/2005	21	\$42.9519	\$901.99
4/13/2005	25	\$41.9840	\$1,049.60
4/13/2005	3,500	\$41.3816	\$144,835.60
4/14/2005	7,500	\$37.6815	\$282,611.25
4/15/2005	2,900	\$36.3310	\$105,359.90
4/18/2005	3,400	\$35.6430	\$121,186.20
4/29/2005	7,000	\$35.5466	\$248,826.20
5/4/2005	1,900	\$36.7514	\$69,827.66
5/12/2005	28	\$34.2250	\$958.30
5/16/2005	42	\$35.0793	\$1,473.33
5/17/2005	39	\$34.9815	\$1,364.28
5/18/2005	9	\$35.1656	\$316.49
5/19/2005	24	\$36.9917	\$887.80
5/20/2005	58	\$37.5100	\$2,175.58
5/24/2005	100	\$39.7000	\$3,970.00
6/1/2005	2,000	\$40.4123	\$80,824.60
6/10/2005	78	\$35.9100	\$2,800.98
6/14/2005	41	\$35.9244	\$1,472.90
6/17/2005	1,100	\$38.2650	\$42,091.50
6/27/2005	3,600	\$37.0629	\$133,426.44
7/15/2005	10	\$41.4150	\$414.15
7/18/2005	22	\$41.7059	\$917.53
7/20/2005	30	\$42.8263	\$1,284.79
7/21/2005	18	\$43.5339	\$783.61
7/22/2005	10	\$43.7550	\$437.55

Sales			
Trade Date	Shares	Price	Total
6/27/2005	361	\$37.0934	\$13,390.73
6/27/2005	8,944	\$37.0863	\$331,700.30
6/27/2005	1,400	\$37.6134	\$52,658.79
6/29/2005	5,900	\$36.3485	\$214,456.03
6/29/2005	100	\$36.3434	\$3,634.34
8/26/2005	3,880	\$45.7206	\$177,395.88
9/7/2005	300	\$49.0346	\$14,710.39
9/21/2005	32,500	\$52.2385	\$1,697,751.71
9/27/2005	5,700	\$53.4328	\$304,566.76
9/27/2005	800	\$53.7578	\$43,006.20
9/29/2005	2,800	\$52.3228	\$146,503.87
10/24/2005	6,000	\$56.7900	\$340,740.00
10/26/2005	700	\$57.0176	\$39,912.33
10/28/2005	100	\$54.4427	\$5,444.27
11/1/2005	100	\$57.4275	\$5,742.75
11/4/2005	1,700	\$60.7375	\$103,253.68
11/15/2005	3,600	\$62.3952	\$224,622.68
11/16/2005	2,673	\$64.1054	\$171,353.78
11/21/2005	200	\$64.9600	\$12,992.00
11/28/2005	600	\$69.5800	\$41,747.99
12/2/2005	1,900	\$72.0062	\$136,811.75
12/5/2005	4,000	\$72.0162	\$288,064.75
12/6/2005	1,700	\$73.5502	\$125,035.37
12/8/2005	2,194	\$73.8400	\$162,004.98
12/19/2005	600	\$71.7571	\$43,054.25
1/6/2006	1,566	\$74.7379	\$117,039.55
2/22/2006	720	\$69.9707	\$50,378.87
2/28/2006	21,400	\$70.6259	\$1,511,394.92
3/31/2006	900	\$62.7191	\$56,447.16
4/3/2006	2,100	\$63.7085	\$133,787.94
4/11/2006	1,000	\$68.9979	\$68,997.88
4/17/2006	3,800	\$64.8877	\$246,573.28
5/1/2006	200	\$71.2160	\$14,243.20
5/1/2006	4,200	\$70.7023	\$296,949.78
5/2/2006	710	\$71.6777	\$50,891.16
5/2/2006	2,000	\$71.1123	\$142,224.63
5/24/2006	400	\$62.9806	\$25,192.22
7/10/2006	1,100	\$54.9483	\$60,443.14
7/25/2006	5,200	\$61.0342	\$317,377.97
8/1/2006	100	\$66.5228	\$6,652.28
8/2/2006	200	\$67.6638	\$13,532.76
8/2/2006	200	\$68.1919	\$13,638.38
8/3/2006	1,200	\$68.7898	\$82,547.74

Schedule A
Apple Computer, Inc.
Trading History: 1/22/04 - 8/11/06
NYC EMPLOYEES RETIREMENT SYSTEM

-----Purchases-----			
Trade Date	Shares	Price	Total
7/25/2005	800	\$43.8100	\$35,048.00
7/27/2005	200	\$43.9900	\$8,798.00
7/28/2005	4	\$43.6650	\$174.66
7/29/2005	6	\$44.2100	\$265.26
8/1/2005	300	\$42.8100	\$12,843.00
8/10/2005	3,500	\$43.6908	\$152,917.80
8/11/2005	300	\$44.0000	\$13,200.00
8/15/2005	1,568	\$47.8882	\$75,088.70
8/24/2005	80	\$46.5725	\$3,725.80
8/25/2005	10	\$46.1750	\$461.75
8/25/2005	600	\$46.2200	\$27,732.00
8/29/2005	10	\$45.7600	\$457.60
9/8/2005	7,900	\$49.8101	\$393,499.79
9/16/2005	2,600	\$51.2000	\$133,120.00
10/4/2005	2,000	\$54.7028	\$109,405.60
10/4/2005	2,863	\$54.2532	\$155,326.91
10/5/2005	3,400	\$53.5545	\$182,085.30
10/6/2005	700	\$53.3301	\$37,331.07
10/11/2005	1,000	\$51.4458	\$51,445.80
10/11/2005	1,000	\$51.4373	\$51,437.30
10/12/2005	3,000	\$48.3812	\$145,143.60
11/14/2005	25	\$61.5252	\$1,538.13
11/15/2005	37	\$62.6708	\$2,318.82
11/16/2005	38	\$63.8776	\$2,427.35
12/16/2005	2,000	\$71.3350	\$142,670.00
12/16/2005	4,345	\$71.3430	\$309,985.33
12/16/2005	9,583	\$71.6397	\$686,523.25
12/19/2005	1,100	\$71.6400	\$78,804.00
12/19/2005	2,200	\$71.5170	\$157,337.40
12/27/2005	400	\$74.3115	\$29,724.60
12/30/2005	686	\$71.9000	\$49,323.40
12/30/2005	1,402	\$71.8950	\$100,796.79
1/12/2006	900	\$84.9300	\$76,437.00
1/19/2006	4,200	\$80.1475	\$336,619.50
1/20/2006	100	\$77.2200	\$7,722.00
1/20/2006	2,080	\$79.2003	\$164,736.62
1/23/2006	600	\$76.2646	\$45,758.76
1/24/2006	1,700	\$79.0338	\$134,357.46
1/26/2006	7,700	\$74.7850	\$575,844.50
1/26/2006	600	\$72.5300	\$43,518.00
1/26/2006	6,800	\$75.0178	\$510,121.04
2/1/2006	500	\$75.3415	\$37,670.75
2/8/2006	1,300	\$68.8300	\$89,479.00
2/14/2006	3,200	\$65.4881	\$209,561.92
2/28/2006	832	\$68.5450	\$57,029.44
2/28/2006	226	\$68.5450	\$15,491.17
3/16/2006	1,500	\$65.9249	\$98,887.35
3/17/2006	1,600	\$64.6540	\$103,446.40
3/17/2006	600	\$64.7750	\$38,865.00

-----Sales-----			
Trade Date	Shares	Price	Total

